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African Institute for the Prevention of Crime and the Treatment of Offenders

Report of the Secretary-General

Summary

The present report has been prepared pursuant to General Assembly resolution 57/172 of 18 December 2002 and focuses on the efforts undertaken to strengthen the programmes and activities of the African Institute for the Prevention of Crime and the Treatment of Offenders. The report highlights the activities of the past year, the approved medium-term strategy and action plan for the period 2002-2007, fund-raising efforts and strategies for sustaining the Institute. Specific proposals have been made to deliver effective technical cooperation reflecting the needs of the African member States of the Institute. The report follows the report of the Secretary-General of 30 August 2002 on the Institute (A/57/135), which described the activities, achievements and difficulties faced by the Institute and its precarious financial situation.

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I. Introduction

1. The present report has been prepared pursuant to General Assembly resolution 57/172 of 18 December 2002 and updates the report submitted to the Assembly at its fifty-seventh session (A/57/135). It focuses on the activities, operations and funding of the African Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI) and includes concrete proposals based on needs assessments of individual countries that take into account traditional value systems and the international legal requirements for action against crime in accordance with the relevant treaties, conventions and related protocols.

2. With the advent of increased global cooperation between States, many difficult challenges have emerged that threaten the very essence of cooperation, as well as the enhancement of the rule of law and the socio-economic development of nations. The world suffers from increasing instability, much of which is the consequence of criminal activity by individuals and organized groups who rapidly exploit advances in information and communication technology and the "open border" policies of many nations.

3. Africa, with its technical and material deficiencies, suffers inordinately from sophisticated transnational organized criminal activities. The ease and impunity with which criminal activities are carried out in Africa reveal the vulnerability of the region to endemic crime, both in its traditional and emerging forms. They also highlight the lack of effective capacity for management of crime prevention and criminal justice programmes. The alarming proportions of crime in Africa mean that many of the resources for national development programmes are lost or constrained.

4. In view of the ever-increasing incidence of transnational criminal activity, there is a great need for improved collaboration in crime prevention and criminal justice at the regional and subregional levels. Regional cooperation has become an effective tool of problem-solving. UNAFRI, as a specialized body for regional cooperation and the focal point of the United Nations Crime Prevention and Criminal Justice Programme in Africa, has a set of action plans with a strategic focus on addressing the specific needs of the region. It is thus in the vanguard in terms of promoting the effective and active cooperation of African Governments.

5. During the reporting period, the Institute continued to receive political support from its member States, its Governing Board, the Commission on Crime Prevention and Criminal Justice, the Economic Commission for Africa (ECA), the General Assembly, the African Union and other stakeholders. The grant from the General Assembly and the technical cooperation partnership programme with donor Governments and agencies enabled the Institute to implement and participate in a number of important activities. The Institute further enhanced its cooperation with member States by gathering from each State information on its unique requirements in the area of crime prevention. Based on the reported requirements, tailor-made programmes and action plans were designed for each State in order to sensitize African Governments to the need to ratify the international legal conventions and adopt the provisions of the conventions into their national legislation and action plans as a means of addressing the crime problem in their countries.

6. The Institute has continued its operations against a background of financial difficulties arising from a lack of contributions from member States. The growing

awareness of the activities of the Institute among member States and other stakeholders, however, has significantly improved the response to the call by the Institute for execution of joint programmes of mutual concern in the area of crime prevention. The strategy aims to solicit individual commitments from the stakeholders, which would ultimately translate into financial support for the Institute.

II. Programme activities

A. Governing Board

7. The eighth session of the Governing Board of the Institute was held in Addis Ababa on 17 and 18 March 2003. It approved the budget and work programme of the Institute for the biennium 2004-2005. The Governing Board expressed its appreciation to the General Assembly for its continued support of the Institute and, in particular, for the United Nations grant that is vital for sustaining it. The medium-term strategy and action plan of the Institute for 2002-2007 were approved. The Governing Board expressed satisfaction with the proposals of the Institute for a sustained drive to gain much-needed support from the member States and other stakeholders. It noted the signing of the memorandums of understanding between UNAFRI and the National Association of Blacks in Criminal Justice and the Center for Domestic and International Criminal Justice Research and Policy, United States of America, in fulfilment of the strategy.

8. The Governing Board urged member States to meet their financial responsibility to the Institute and called on those countries which had not yet acceded to the statute of the Institute to become members.

B. General direction and management

9. The activities of the Institute during the period under review aimed at improving the current perception of the Institute by the member States and other stakeholders and at highlighting the availability of the technical capacities for consultation in matters related to its mandate. The activities were based on a prior recommendation by the Governing Board at its seventh session, when the Institute was urged to market its services to potential end-users. That strategy was developed to encourage member States to strengthen the rule of law through the adoption of international conventions and to enhance the participation of African States in the emerging international legal order. In many countries, the traditional law enforcement systems are frequently unable to cope with the rising levels of crime.

10. On the initiative of the Governing Board, substantial efforts were made to make available marketing materials to the member States, with a view to promoting stable and viable criminal justice systems and enhancing the ability of member States to combat the growing threat of transnational organized crime through cooperation. Subsequently, the Institute has increased its contacts with African and other diplomatic missions in Kampala through courtesy visits as part of its publicity campaign and to mobilize support for its prospective projects for joint implementation.

11. The task of developing project proposals has been highlighted as a major fund-raising tool in attracting the necessary attention of prospective donors and interesting them in the partnership opportunities available at the Institute. This has been all the more important because of the emerging needs of various sectors in the region. Currently, the Institute has project proposals for possible donor funding on terrorism, trafficking in women and children and combating and eliminating kidnapping. They were developed as a result of a study undertaken by the Institute to assess the needs of member States in crime prevention.

12. The host Government has continued to offer valuable assistance, guidance and political support to the Institute. It has also continued to honour its commitment to provide facilities in accordance with the host agreement. The Institute has also benefited from ever-growing cordiality with the host Government through its extension of various courtesies. For example, the Institute enjoys a special relationship with the Ministries of Internal Affairs and Foreign Affairs of Uganda and, as a consequence, has an opportunity to sponsor or provide its own programmes in various forums. In conjunction with the host Government, the Institute has embarked on developing a "niche" as a guiding theme in its operations for a given period of time. It is intended that this "niche" should appeal to the international donor community in terms of soliciting and gaining support. The "niche" for the period under review is combating transnational organized crime.

C. Crime prevention and criminal justice activities

13. The main focus of the activities of the Institute has been on the individual needs of member States and the growing awareness that crime prevention is necessary for all regions. Within its available means, the Institute has held a series of national workshops for member States with a view to sharing valuable experience and disseminating information regarding the prevalence of transnational criminality and the need for concerted action at the regional and subregional levels. As part of the United Nations Crime Prevention and Criminal Justice Programme network, the Institute has made efforts to inform countries of the region about relevant United Nations conventions and their protocols as an effective means of combating crime.

1. Extradition and mutual legal assistance conventions

14. The extradition project of the Institute has reached its final and crucial stage and has received commendable support from the African Union. Efforts are under way to arrange a ministerial meeting or a meeting of experts to discuss the draft convention on mutual legal assistance for subsequent consideration by the Council of Ministers and Summit of African Leaders of the African Union. This represents a step forward in the ongoing effort to control transnational organized crime and augurs well for regional cooperation as a basis for consolidating regional stability and development.

2. Trafficking in firearms and ammunition in Africa

15. The project to combat trafficking in firearms and ammunition in Africa has been jointly implemented by the Institute with technical assistance from the Government of the United States through its Departments of State and Justice. The

need for a firearms control centre in the African region was emphasized in the preliminary recommendation by the experts and delegates of member States at workshops and consultations. The importance of coordinating regional efforts to combat the growing problem of firearms proliferation and its attendant risk of instability was underlined. The proposal for the development of the firearms control centre is now ready for discussion with prospective donors and interested partners, including civil society, the public sector and multilateral agencies. The report on the project is available to interested parties.

16. The Institute has continued to participate in the local, regional and international discussions regarding viable solutions to the escalating problem of firearms.

D. Other activities

1. Effective cooperation between the African Institute for the Prevention of Crime and the Treatment of Offenders and its stakeholders

17. The Institute launched a study to identify a sustainable flow of resources to support and boost its capacity to implement programmes of mutual concern with stakeholders. The study was conducted in several countries and responses to the Institute's questionnaire are still arriving, with requests for assistance and recommendations regarding the best means of instituting cooperation. The Institute recognizes the benefit of maintaining a dialogue with stakeholders in order to stay abreast of thinking in member States. A number of countries have called for an increased flow of information and services from the Institute to their capitals and the development of partnerships at the local and regional levels for more effective cooperation.

2. United Nations survey on kidnapping

18. As part of the United Nations study on the effect of kidnapping in Africa, the Institute sent questionnaires to several African countries. Owing to the communication difficulties in the African region, however, it will be some time before an adequate level of response is received to enable a meaningful analysis to be made. Every effort is being made, however, to obtain responses to the questionnaires.

3. Terrorism

19. A survey conducted on terrorism revealed the concern of African countries about the threat of this grave crime. The Institute continues to receive requests from countries on combating terrorism, including enhanced cooperation at various levels among the organs of state security.

4. Workshop on effective and sustainable strategies in crime prevention

20. The workshop on effective and sustainable strategies in crime prevention opened a series of activities intended to assist the Secretary-General in reaching out to member States in Africa to utilize and implement the United Nations instruments on crime prevention and criminal justice. The workshop stressed the need for

consultative meetings to be held at various levels as a means of raising the awareness and interest of countries, as well as to provide them with the opportunity to ensure that their concerns are ultimately reflected in the implementation of the international instruments. The Institute offered technical assistance for the translation of the international instruments into local legislation and national action plans. This strategy was designed by the Institute to reach every member State of UNAFRI, either individually or as a group at the subregional level, in order to develop a culture of uniform application of international legal provisions to meet specific local and regional challenges. The workshop was held at the headquarters of UNAFRI as a pilot project for a number of stakeholders in crime prevention in Uganda.

5. Trafficking in women and children

21. The Institute assisted member States in applying the existing United Nations conventions to the growing menace of trafficking in women and children, which is one of the most vicious of crimes and controlled by a rapidly growing and subtle criminal network that is already operating in several countries with near impunity. The Institute offered technical assistance with efforts to translate the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex II) into national action plans. Such advisory services will be replicated in other countries.

E. International cooperation and partnership

22. The Institute has maintained close cooperation with the Crime Programme of the United Nations Office on Drugs and Crime. As a member of the United Nations Crime Prevention and Criminal Justice Programme network, UNAFRI has continued to participate in the activities of the network. The Institute participated in the seventeenth coordination meeting of the network, held in Courmayeur and Turin, Italy, on 4 and 5 December 2002.

23. At the twelfth session of the Commission on Crime Prevention, held in Vienna from 13 to 22 May 2003, UNAFRI was represented and participated in all the workshops.

24. UNAFRI continued its participation in various meetings, seminars and conferences at the subregional, regional and international levels, developing new contacts and consolidating current partnerships in pursuit of prospects for joint cooperation with possible donors.

25. The Institute was represented at the following meetings:

(a) The fourth session of the Ad Hoc Committee for the Negotiation of a Convention against Corruption, held in Vienna from 13 to 24 January 2003;

(b) Meeting of Experts on the Application of United Nations Standards and Norms in Crime Prevention and Criminal Justice, held in Stadtschlaining, Austria, from 10 to 12 February 2003;

(c) The twenty-sixth session of the Labour and Social Affairs Commission of the African Union, held in Grand Baie, Mauritius, from 10 to 14 April 2003.

III. Funding and support

26. The total resources of the Institute for the period from January 2002 to 30 June 2003 amounted to $952,691. The funds were derived from (a) assessed contributions of member States ($527,081); (b) the 2002/2003 United Nations grant ($380,300); and (c) other income received from rental of Institute premises and facilities and interest on deposits ($45,310).

A. Assessed financial contributions of member States

27. The Governments of Burkina Faso, The Gambia, the Libyan Arab Jamahiriya, Tunisia and Uganda paid their assessed contributions and arrears for the period 2002-2003, which amounted to $177,093. Although there is some noticeable improvement in assessed collections, the outstanding balance in assessed financial contributions of member States remains high. As at 1 June 2003, of total assessed contributions of $3,594,766 for the period 1989-2003, only $960,523 had been received, leaving an outstanding balance of $2,634,242. At the eighth meeting of the Governing Board of the Institute, held in Addis Ababa on 17 and 18 March 2003, concern was expressed about the high level of indebtedness of most member States and the secretariat was requested to devise some form of sanctions to be imposed on indebted members, such as (a) giving priority to paid-up member States whenever there were opportunities such as training programmes or consultancies at the Institute; and (b) denying employment opportunities to nationals of indebted member States.

B. United Nations grant

28. The United Nations grant to the Institute in the amount of $380,300 was continued in the biennium 2002-2003. The portion of the grant for the year 2003, amounting to $102,400, continued to cover the salaries of the Director, Deputy Director, Research Adviser, Information Documentary Adviser, Training Adviser, Administrative/Finance Officer and some operational expenses. At its eighth session, the Governing Board expressed special gratitude to the General Assembly for the continued funding support given to UNAFRI.

29. It is recalled that, at its sixth session, held in Kampala on 29 and 30 May 2000, the Governing Board requested the secretariat of UNAFRI to prepare a paper on the emoluments and other benefits of staff and submit it to the Board at the seventh session. At that session, held in Kampala on 5 and 6 December 2001, the Governing Board, after considering a comparative study of salary scales offered by similar institutions in Africa and by ECA, endorsed, subject to the availability of funds, recommendations that (a) UNAFRI salaries and emoluments be adjusted to correspond to those of ECA; and (b) the secretariat of UNAFRI undertake the restructuring of the Institute's salary scale followed by job competence analysis. The Board was also informed that, since the new salaries were expected to be paid

from the United Nations grant, the earliest they could become effective was the biennium 2004-2005, since the programme budget for the biennium 2002-2003 containing the current scales had already been considered by the General Assembly.

30. At its eighth session, held in Addis Ababa on 17 and 18 March 2003, the Governing Board reiterated the opinion of the Secretary-General contained in the related report (A/57/135) that the application of the United Nations salary scale to UNAFRI, which had its own staff regulations and financial rules and regulations, should be conditional on an extensive revision of the UNAFRI rules in order to accommodate the related provisions of the Staff Rules and Regulations and the Financial Regulations and Rules of the United Nations, which govern the salaries and emoluments of United Nations staff. Taking into account that the UNAFRI staff regulations and financial regulations and rules have yet to be revised, the grant was included in the proposed programme budget for the biennium 2004-2005 at its maintenance level of $380,300.

31. In that connection, the Board requested ECA to prepare a draft revision of the UNAFRI rules and regulations in order to accommodate the related provisions of the Staff Rules and Regulations and the Financial Regulations and Rules of the United Nations, which govern the salaries and emoluments of United Nations staff and submit the revisions, after consideration by the Governing Board, to the Conference of Ministers of ECA for approval.

C. Other sources of income

32. The Institute generated income amounting to $30,421 for the period from July 2002 to May 2003 from its rented facilities. As noted in the previous report, income from that source continued to be reduced because of the repossession of premises formerly rented out and their allocation to newly recruited international staff.

IV. The future of the African Institute for the Prevention of Crime and the Treatment of Offenders

33. A series of activities has been designed to ensure the sustained service of the Institute to its stakeholders. Those activities have been identified in consultation with member States and aim to consolidate collaborative efforts in mobilizing support for the programmes of the Institute. The lack of financial support to the Institute from member States has largely been attributed to the poor perception of the Institute and its relevance to the crime prevention efforts in the region by member States. Accordingly, research and training programmes have been designed to reflect the need for a continued flow of information and action-oriented dialogue between the Institute and member States and efforts are to be made to ensure the involvement of stakeholders in every activity.

34. The medium-term strategy and action plan for the period 2002-2006 have been formulated to address, inter alia, resource mobilization. Strategies have been designed to reach out, where possible, to member States through diplomatic

missions. The diplomatic missions are a viable channel of mobilization of support for the Institute.

35. Efforts have also been made to cultivate strong partnerships with the media in the publicity campaign for the Institute and its programmes. The project proposals and proposed activities require wide circulation through the media to the intended beneficiaries.

V. Strategies for sustaining the Institute

36. In its resolution 57/172, the General Assembly commended the African Institute for the Prevention of Crime and the Treatment of Offenders for its efforts to promote and coordinate regional technical cooperation activities related to crime prevention and criminal justice systems in Africa, commended the Secretary-General for his efforts to mobilize the financial resources necessary to provide the Institute with the core professional staff required to enable it to function effectively in the fulfilment of its mandated obligations and requested him to make concrete proposals to strengthen the programmes and activities of the Institute and to report to the Assembly at its fifty-eighth session on the implementation of the resolution; reiterated the need to further strengthen the capacity of the Institute to support national mechanisms for crime prevention and criminal justice in African countries; and urged the member States of the Institute to make every possible effort to meet their obligations to the Institute and called upon them to adopt concrete practical measures to support the Institute in the development of the requisite capacity and to implement its programmes and activities aimed at strengthening crime prevention and criminal justice systems in Africa.

37. As a follow-up, efforts to enhance the collection of assessed contributions from member States have been stepped up and members are responding positively, although a number are still highly indebted to the Institute, as indicated in paragraph 27 above.

38. At its eighth session, the Governing Board approved the medium-term strategy and plan of action of the Institute, calling on the secretariat to optimize the available resources, urgently implement the plan and intensify communication with stakeholders. The Institute realizes its future will depend on its capacity to identify and develop programmes that will interest stakeholders. The Institute will advance policy and programme proposals for criminal justice in the context of national development, through expert group meetings to formulate guidelines on criminal policies and measures to be integrated in national development structures.

VI. Conclusions

39. In accordance with the provisions of various General Assembly resolutions, in particular resolution 57/172 and in order to carry out the mission of the Institute set forth in its approved medium-term strategy and action plan for the period 2002-2007, the following proposals are made to strengthen the Institute's capacity to fulfil its mandate:

(a) The close cooperation and partnership of the United Nations Office on Drugs and Crime with the Institute should be strengthened;

(b) Potential donors and relevant international funding agencies including, inter alia, the World Bank and the United Nations Development Programme Regional Bureau for Africa, should be called upon to make financial contributions to the Institute for the effective implementation of its work programme;

(c) Member States of the Institute should be urged to meet their financial obligations so as to show their support to the Institute and thus attract additional funding from other sources.